

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

In the Matter of:

Indiana Hotel Equities, LLC,

Debtor.

Case No. 18-45185
Chapter 11
Judge Thomas J. Tucker

**ORDER GRANTING THE DEBTOR'S MOTION TO VOLUNTARILY DISMISS
THIS BANKRUPTCY CASE, WITH MODIFICATIONS,
AND CANCELLING THE FURTHER HEARING SCHEDULED FOR MONDAY,
NOVEMBER 5, 2018**

This case is before the Court on the motion by the Debtor to voluntarily dismiss this bankruptcy case, without prejudice (Docket # 120, the "Motion"). The Indiana Airport Authority (the "IAA") filed an objection to the Motion (Docket # 123). No other objections were filed. The Court held a hearing on October 31, 2018. The Court has reviewed the supplemental filings made today by the parties (Docket # 129, 130).

The Court will grant the Debtor's Motion, with modifications. The modifications, which are reflected in this Order, have in substance been agreed to by the Debtor, as shown by the comments of Debtor's counsel during the hearing and by the supplement filed by the Debtor today (Docket # 129).

The Court finds that in light of the modifications reflected in this Order, any remaining objection(s) of the IAA are not well taken, and they are now overruled. Even if the Court were to assume that the Debtor filed or prosecuted this bankruptcy case in bad faith, as argued by the IAA, and/or that "cause" exists under 11 U.S.C. section 349(a) to dismiss this case with prejudice--- subjects about which the Court need not and does not now express any opinion --- the Court still would have discretion, and would exercise its discretion, to dismiss this case on the terms stated in this Order.

The Court finds and concludes that the dismissal of this case on the terms stated below (1) is sufficient to prevent any future abuse of the type feared by the IAA that may occur if a new bankruptcy case is ever filed by or against the Debtor; and (2) is sufficient to protect the IAA from such potential abuse.

Accordingly,

IT IS ORDERED that the Motion is granted, on the terms stated in this Order.

IT IS FURTHER ORDERED that this bankruptcy case is dismissed without prejudice, subject to the following condition. The condition is that Debtor may not file a another voluntary petition for relief under the Bankruptcy Code or be the subject of an

involuntary petition under the Bankruptcy Code, unless and until the Indiana trial court, the Indiana appellate court or the Indiana Supreme Court enters an order reversing, modifying, or vacating, in whole or in part, the *Order Denying Indiana Hotel Equities, LLC's Motion for Summary Judgment and Granting Indiana Airport Authority's Cross-Motion for Summary Judgment* in Indiana Hotel Equities, LLC v Indiana Airport Authority, Marion County Superior Court, Indiana, Case No. 49D01-1707-PL-027076 entered on March 28, 2018, subject to any party in interest's, including Debtor's and IAA's, ability to file a motion under Fed. R. Bankr. P. 9024 and Fed. R. Civ. P. 60 for relief from this Order or a similar procedural motion or action.

IT IS FURTHER ORDERED that the obligation to pay United States Trustee quarterly fees and file required reports shall not be affected, and if the Debtor does not timely pay any unpaid quarterly fees, the United States Trustee may seek to reopen this case and request conversion to a chapter 7 liquidation.

IT IS FURTHER ORDERED that all professionals must file any fee applications no later than November 23, 2018.

IT IS FURTHER ORDERED that the further hearing scheduled for Monday, November 5, 2018 at 10:00 a.m. is cancelled, as no longer necessary.

Signed on November 2, 2018



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge